

CHAMPVA POLICY MANUAL

CHAPTER: 2
SECTION: 18.19
TITLE: COURT - ORDERED CARE

AUTHORITY: 38 USC 1713; 38 CFR 17.270(a) and 17.272(a)

RELATED AUTHORITY: 32 CFR 199.4(g)(22)

TRICARE POLICY MANUAL: Chapter 8, Section 20.1

I. EFFECTIVE DATE

November 13, 1984

II. POLICY

CHAMPVA benefits will be paid only if the service is medically or psychologically necessary to diagnose or treat a covered condition, and if the service is at the appropriate level of care to treat the condition, and if the beneficiary (or the beneficiary's family) has a legal obligation to pay for the service.

III. POLICY CONSIDERATIONS

A. If it is determined that court-ordered care meets the criteria of necessity and appropriateness and, therefore, is potentially payable, the issue of the beneficiary's legal obligation to pay for the care requires specific investigation.

B. If the care was ordered, or if the patient was directed to a specific treatment provider, primarily because of the potential for CHAMPVA coverage, benefits are not payable. For example, if a public treatment program is available at no cost to the beneficiary, but the court orders or agrees to treatment by a private provider because the patient is a CHAMPVA beneficiary, no benefits may be paid.

END OF POLICY